

# MEMO

DATE: April 14, 2021

TO: Statutory Revision Committee

FROM: David Oppenheim, Legislative Director for Governor Polis & Kate Siegel Shimko, Director of Boards & Commissions for Governor Polis

RE: Elimination of Obsolete Boards & Commissions

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The Governor's office requests the Statutory Revision Committee (SRC) **consider sponsoring legislation to eliminate an obsolete board and commission.**

To continue the work that we began last session, the Governor's staff have worked over the interim with agencies to identify where streamlining could be beneficial with regard to the plethora of boards and commissions that remain in statute. Our focus last year was to identify entities that could be eliminated because they have **completed their charge or are no longer active/relevant** *but did not include a sunset*. This year, we continued this work. Below is one of those boards that we, along with the agency, believe is no longer serving our state and is obsolete.

The Advisory Committee on Licensing of Child Care Facilities (LAC) was created as a Governor-appointed body through statute prior to the similar creation of the Early Childhood Leadership Commission (ECLC), another Governor-appointed body. Both the LAC and the ECLC are housed at the Colorado Department of Human Services (CDHS), within the Office of Early Childhood (OEC). These two bodies have duplication in membership criteria, with representation in state and local government groups, providers of early childhood services, and family members who receive services. Additionally, there is duplication in mission, with both bodies tasked with advising CDHS through the OEC. Repealing the Advisory Committee on the Licensing of Child Care Facilities (LAC) would eliminate this duplication in effort.

Currently, due to the above-discussed duplication, no duties or tasks are being carried out by the LAC, and these are instead assigned to and carried out by the ECLC. The LAC last met on February 10, 2021, and met for approximately 35 minutes and no new business was completed.

Please let us know if you have any questions. Thank you for your consideration.

Name	Statute	Original Mission	Rationale
Licensing of Child Care Facilities Advisory Committee	26-6-109	Originally created to advise and consult with CDHS in administration and enforcement of the Child Care Licensing Act. The committee operated prior to the creation of the Early Childhood Leadership Commissions (ECLC).	The ECLC is Colorado's federally authorized state advisory council so this committee is duplicative and no longer needed.

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

DRAFT  
4.14.21

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LLS NO. 21-0975.01 Sarah Lozano x3858

COMMITTEE BILL

Statutory Revision Committee

**BILL TOPIC:** "Eliminate Obsolete Committee Child Care Licensing"

**DEADLINES:** File by: 4/15/2021

**A BILL FOR AN ACT**

101 **CONCERNING THE ELIMINATION OF THE OBSOLETE ADVISORY**  
102 **COMMITTEE ON THE LICENSING OF CHILD CARE FACILITIES.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Statutory Revision Committee.** The bill eliminates the advisory committee that advised the state department of human services on the licensing of child care facilities prior to the creation of the early childhood leadership commission.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-109, **repeal** (1)  
3 as follows:

4 **26-6-109. Institutes.** (1) (a) ~~There is hereby created an advisory~~  
5 ~~committee on licensing of child care facilities to advise and consult with~~  
6 ~~the department in the administration and enforcement of this part 1. The~~  
7 ~~committee shall consist of fifteen members to be appointed by the~~  
8 ~~governor for terms of three years; except that, of the members first~~  
9 ~~appointed, four shall be appointed for three years, four for two years, and~~  
10 ~~three for one year. Thereafter, members shall be appointed for terms of~~  
11 ~~three years except in the case of a vacancy that shall be filled for the~~  
12 ~~remainder of the unexpired term. A member may be appointed to succeed~~  
13 ~~himself or herself and may continue to serve on the committee beyond the~~  
14 ~~end of his or her term until the governor appoints a successor. Members~~  
15 ~~who have been appointed to fill the remainder of an unexpired term may~~  
16 ~~be appointed to fill the succeeding full term.~~

17 (b) ~~The members of the advisory committee shall serve without~~  
18 ~~compensation but shall be entitled to their reasonable traveling expenses~~  
19 ~~incurred in the performance of their duties, which shall be paid as a part~~  
20 ~~of the expenses of administering this part 1.~~

21 (c) ~~The committee shall consist of nine members who shall~~  
22 ~~represent the various types of facilities licensed under the provisions of~~  
23 ~~this part 1, four members representing various state and local~~  
24 ~~governmental agencies with an interest in and concern for children, and~~  
25 ~~two members at large who are parents, each having at least one child~~  
26 ~~attending a facility licensed or certified under this part 1 at the time of~~  
27 ~~such members' appointment.~~

1           ~~(d) A majority of the members of the committee shall constitute~~  
2           ~~a quorum, the presence of which at any meeting thereof duly called by the~~  
3           ~~department shall have full and complete power to act upon and resolve in~~  
4           ~~the name of the committee any matter or question referred to it by the~~  
5           ~~department. The committee, as soon after appointment as practicable,~~  
6           ~~shall elect from among its members a chairman, a vice-chairman, and a~~  
7           ~~secretary who shall hold office until their successors are elected. The~~  
8           ~~chairman shall preside at all meetings of the committee, and the secretary~~  
9           ~~shall make a record of the proceedings thereof that shall be preserved in~~  
10           ~~the office of the department. All members of the committee shall be~~  
11           ~~entitled to vote on any matter or question that properly comes before it.~~

12           **SECTION 2.** In Colorado Revised Statutes, 26-6-113, **amend** (2)  
13           as follows:

14           **26-6-113. Periodic review of licensing regulations and**  
15           **procedures.** (2) Beginning with fiscal year 1995-1996, an initial  
16           comprehensive rule and regulation review shall be conducted in  
17           conjunction with the performance audit required by section 26-6-107  
18           (1.5), and, at least every fifth fiscal year thereafter, a comprehensive  
19           review of the licensing rules and regulations for child care centers, family  
20           child care homes, and foster care homes and the procedures relating to  
21           and governing child care centers, family child care homes, and foster care  
22           homes shall be conducted by the department, including procedures for the  
23           review of backgrounds of employees and owners. In conducting such  
24           periodic review, the department shall consult with parents and consumers  
25           of child care, child care providers, the department of public health and  
26           environment, experts in the child care field, and other interested parties  
27           throughout the state. The periodic review shall include an examination of

1 the rules and regulations applicable to child care centers, family child care  
2 homes, and foster care homes, the process of licensing such facilities,  
3 uniformity of standards or lack thereof in the licensing process, statewide  
4 standardization of investigations and enforcement of licensing by the  
5 department, duplication and conflicts in regulations, requirements, or  
6 procedures between the department and the department of public health  
7 and environment, and recommendations for streamlining and unifying the  
8 licensing process. Said review shall also include an examination of  
9 regulations and procedures regarding the general physical and mental  
10 health of employees and owners. At the conclusion of each review, the  
11 department shall report its findings and conclusions and its  
12 recommendations for administrative changes and for legislation to the  
13 state board ~~the advisory committee on licensing of child care facilities,~~  
14 and the executive director of the department of public health and  
15 environment.

16 **SECTION 3. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2022 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.